

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Masataka NISHIKAWA et al. ) Confirmation No.: Unassigned

)

Application No.: NEW ) Group Art Unit: Unassigned

)

Filed: February 17, 2006 ) Examiner: Unassigned

)

For: READER FOR IMMUNOCHROMATOGRAPHIC TEST, CARTRIDGE APPLICABLE TO  
THIS, AND SYSTEM FOR EXAMINING IMMUNOCHROMATOGRAPHIC TEST PIECE

Commissioner for Patents

U.S. Patent and Trademark Office

**Customer Window Mail Stop:**  New Application  Amendment  AF  Issue Fee  
Alexandria, VA 22314

Sir:

**INFORMATION DISCLOSURE STATEMENT (IDS)**

**Under 37 C.F.R. § 1.97(b):** Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant  
brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. To  
the undersigned's knowledge, this IDS is being filed before the mailing date of a first Office  
Action on the merits, before the mailing date of a first Office Action on the merits after filing an  
RCE under § 1.114, or within three months of the application filing date.

**Under 37 C.F.R. § 1.97(c):** Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings  
to the attention of the Examiner the documents listed on the attached PTO Form 1449. This IDS  
is being filed after the events recited in § 1.97(b) but, to the undersigned's knowledge, before the  
mailing date of a Final Office Action, a Notice of Allowance, or another action that closes  
prosecution in the application.

The fee of \$180.00 set forth in § 1.17(p) is included herein; or  
 Applicant submits that each item of information contained in this IDS was first  
cited in any communication from a foreign patent office in a counterpart foreign  
application not more than three months prior to the filing of this IDS.

**Under 37 C.F.R. § 1.97(d):** Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), Applicant  
brings to the attention of the Examiner the documents listed on the attached PTO Form 1449.  
This IDS is being filed after the events recited in § 1.97(c) but before payment of the issue fee.

The fee of \$180.00 set forth in § 1.17(p) is included herein; and  
 Applicant submits that each item of information contained in this IDS was first  
cited in any communication from a foreign patent office in a counterpart foreign  
application not more than three months prior to the filing of this IDS.

**Under 37 C.F.R. § 1.97(i):** Pursuant to 37 C.F.R. §§ 1.56 and 1.97(i), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This IDS is being filed after the events recited in § 1.97(d). Applicant requests that the IDS be placed in the file.

A search report or other listing of documents from a counterpart, related, or other application dated January 18, 2005 and having documents cited thereon is attached for the Examiner's consideration. Any of these documents not previously cited, and any additional documents are listed on the PTO Form 1449.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form. As for any document listed on the accompanying PTO-1449 that is in a language other than English, relevance can be understood from an enclosed English abstract or at least partial translation or from mention in the specification or in a search report for a corresponding application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicant reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application, including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required and including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

  
Peter J. Sistare  
Registration No. 48,183

Dated: February 17, 2006

**CUSTOMER NO. 055694**

**DRINKER, BIDDLE & REATH LLP**  
1500 K Street, N.W., Suite 1100  
Washington, D.C. 20005-1209  
Tel: 202.842.8800; Fax: 202.842.8465

JAP20 Rec'd PCTA 17 FEB 2006